WP No. 128 of 2004 (M/S)

Hon'ble Irshad Hussain, J

Heard Ms. Seema Sirohi learned counsel for the petitioners and Sri J.P.Joshi learned Standing Counsel for respondent no.1.

The grievance of the petitioners is that their application for adjournment was rejected on 20-1-2004 and on that day itself the stay order was vacated without any speaking and reasoned order. Learned counsel for respondent no.1 pointed out that the Patta in favour of the petitioner was only for a period of five years and that period had already expired when the Patta was cancelled by the competent authority. Even though it may be so but it is of significance that when the matter was pending before respondent no.1 some stay order was passed in favour of the petitioners which got to be vacated on 20-1-2004. Considering that there was some stay order in favour of petitioners it will be just and proper that the same stay order could have been maintained till the appeal was disposed on merit.

Learned counsel for the petitioners pointed out that now 22nd of February 2004 is fixed for final hearing of the appeal before respondent no.1 and considering this it is directed that the appeal shall be decided on merit finally on the said date. The respondent no.1 shall proceed to decide the appeal even if any application for adjournment is moved by the petitioner and till then the stay order dated 2.4.2002 shall remain in operation. With this direction the petition is finally disposed of.

Dt: 3-3-2004 **(Irshad Hussain, J.)**

ISB